IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21834 of 2004

Between:

P. Francis, S/o. P. Samuel,
R/o. D.No. 2-62, Kota Street, Nandikotkur Village & Mandal,
Kurnool District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kurnool.
2 The Mandal Revenue Officer, Nandikotkur Mandal,
Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction, preferable to the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the Oral instructions to D. Rajasekhar adjacent Fair Price shop dealer of Shop No. 18 of Nandikotkur Village and Mandal who is the associate of said MLA to distribute the commodities of petitioner's Fair Price Shop No.1 of Nandikotkur Village and Mandal, Kurnool district ignoring the petitioner who is a permanent dealer of Shop No.1 and who's license and authorization is subsisting only yielding to the political pressures, as illegal, arbitrary, and violation of Article 14, 19, 21 of the Constitution of India and consequently direct the respondents to allow the petitioner to distribute the commodities for the said shop.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner was appointed as a Fair Price Shop Dealer, vide proceedings, dated 13.03.2002, passed by the 1st respondent. It is his case that there are no complaints against him about running of the shop and that the authorization is still subsisting. He complains that the 2nd respondent, Mandal Revenue Officer, Nandikotkur Mandal, has authorized the dealer of neighbouring shop, to distribute the commodities in the area, for which the petitioner is the Fair Price Shop Dealer. He alleges that the same was resorted to under the pressure of the local M.L.A.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The allegations of the petitioner, if true, present a sad reflection of the functioning of the Civil Supplies Department. The State Government has framed Control Orders, from time to time, in exercise of powers under the Essential Commodities Act, for the distribution of essential commodities. Once a dealer is appointed for a particular fair price shop, he is entitled to undertake the distribution of the commodities, in accordance with the relevant terms and conditions. Permitting another dealer or agency to undertake the distribution of commodities in an area entrusted to an existing distributor is unknown to law, and if at all anything, it represents lawlessness. Since the complete facts are not before this Court, it is difficult to record any definite finding, in this regard. This much can be said that the practice said to have been resorted to by the 2nd respondent, if true, cannot be permitted.

Hence, the writ petition is disposed of directing that the respondents shall ensure the distribution of essential commodities, for which the petitioner was appointed as a fair price shop dealer, is undertaken by the petitioner himself and not by any other agency, during the subsistence of such authorization. There shall be no order as to

costs.

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L.NARASIMHA REDDY, J

Dated : 29th November, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The Revenue Divisional Officer, Kurnool.
2 The Mandal Revenue Officer, Nandikotkur Mandal, Kurnool District.

3 2 CCS to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad.

4 2CD copies